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AMENDED IN ASSEMBLY FEBRUARY 14, 2003  
AMENDED IN ASSEMBLY JANUARY 16, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 42**

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**Introduced by Assembly Member Daucher**  
*(Principal coauthors: Assembly Members Leslie and Maze)*  
**(Coauthors: Assembly Members Aghazarian, Benoit, Campbell, Cogdill, Cox, Garcia, La Malfa, Longville, McCarthy, Pacheco, Samuelian, and Spitzer)**  
(Coauthors: Senators Alpert and Knight)

December 2, 2002

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An act to amend, *repeal, and add* Sections 52122, 52123, 52124, and 52126 of the Education Code, relating to public schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Daucher. Class size reduction.

Existing law establishes the Class Size Reduction Program in which participating school districts are provided funding for reducing class size to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive. Existing law allows certain small school districts to determine the average class size on a schoolsite basis rather than on an individual class basis if the ratio of pupils to teacher in any class included in the average does not exceed the 20 to 1 ratio by more than 2 pupils.

This bill would, *until July 1, 2006*, authorize all school districts to determine average class size on a schoolsite basis in the same manner as certain small school districts.

Existing law requires the Class Size Reduction Program to be implemented in accordance with a prescribed order of priority regarding grade level.

This bill would, *until July 1, 2006*, require any school district establishing a class size reduction program to select the grade level or levels at a schoolsite to be reduced and to give priority to reducing class size in the selected grade level or levels before reducing class size in other grade levels at the schoolsite.

This bill would make other technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature in enacting this  
2 act to encourage continued participation in the Class Size  
3 Reduction Program by providing school districts the opportunity  
4 to make implementation decisions at the local level.

5 SEC. 2. Section 52122 of the Education Code is amended to  
6 read:

7 52122. (a) Except as otherwise provided by Section 52123,  
8 a school district that maintains kindergarten or any of grades 1 to  
9 3, inclusive, may apply to the Superintendent of Public Instruction  
10 for an apportionment to implement a class size reduction program  
11 in that school district in kindergarten and any of grades 1 to 3,  
12 inclusive.

13 (b) An application submitted pursuant to this chapter shall  
14 identify both of the following:

15 (1) Each class that will participate in the Class Size Reduction  
16 Program.

17 (2) For each class that will participate in the Class Size  
18 Reduction Program, whether that class will operate under Option  
19 One or Option Two:

20 (A) (i) Option One: A school district shall provide a reduced  
21 class size for all pupils in each classroom for the full regular  
22 schoolday in each grade level for which funding is claimed. For the  
23 purposes of this chapter, “full regular schoolday” means a



1 substantial majority of the instructional minutes per day, but shall  
 2 permit limited periods of time during which pupils are brought  
 3 together for a particular phase of education in groups that are larger  
 4 than 20 pupils per certificated teacher. It is the intent of the  
 5 Legislature that those limited periods of time be kept to a minimum  
 6 and that instruction in reading and mathematics not be delivered  
 7 during those limited periods of time. For the purposes of this  
 8 subparagraph, “class” is defined in the same manner as provided  
 9 in the regulations adopted by the Superintendent of Public  
 10 Instruction prior to July 1, 1996, pursuant to Sections 41376 and  
 11 41378 (subdivision (a) of Section 15103 of Title 5 of the California  
 12 Code of Regulations).

13 (ii) The purpose of the Class Size Reduction Program is to  
 14 ensure that children in public school in kindergarten and grades 1  
 15 to 3, inclusive, receive instruction in classrooms where there are  
 16 not more than 20 pupils. In order to qualify for funding pursuant  
 17 to this chapter, each class in the Class Size Reduction Program  
 18 shall be maintained with an annual schoolsite average class size of  
 19 not more than 20 pupils for the instructional time that qualifies the  
 20 class for funding pursuant to this chapter. For purposes of this  
 21 chapter, average class size is determined by calculating the total  
 22 number of pupils at a schoolsite who are enrolled in classes at all  
 23 grade levels that participate in the Class Size Reduction Program  
 24 divided by the total number of classes at the schoolsite at all grade  
 25 levels that participate in the Class Size Reduction Program. The  
 26 ratio of pupils to teacher in any class included in the average may  
 27 not exceed the 20 to 1 standard ratio by more than two pupils.

28 (B) (i) Option Two: A school district shall provide a reduced  
 29 class size for all pupils in each classroom for at least one-half of  
 30 the instructional minutes offered per day in each grade level for  
 31 which funding is claimed. A school district selecting this option  
 32 shall primarily devote those instructional minutes to the subject  
 33 areas of reading and mathematics. For the purposes of this  
 34 subparagraph, “class” is defined in the same manner as provided  
 35 in the regulations adopted by the Superintendent of Public  
 36 Instruction prior to July 1, 1996, pursuant to Sections 41376 and  
 37 41378 (subdivision (a) of Section 15103 of Title 5 of the California  
 38 Code of Regulations).

39 (ii) The purpose of the Class Size Reduction Program is to  
 40 ensure that children in public school in kindergarten and grades 1

1 to 3, inclusive, receive instruction in classrooms where there are  
2 not more than 20 pupils. In order to qualify for funding pursuant  
3 to this chapter, each class in the Class Size Reduction Program  
4 shall be maintained with an annual schoolsite average class size of  
5 not more than 20 pupils for the instructional time that qualifies the  
6 class for funding pursuant to this chapter. For purposes of this  
7 chapter, average class size is determined by calculating the total  
8 number of pupils at a schoolsite who are enrolled in classes at all  
9 grade levels that participate in the Class Size Reduction Program  
10 divided by the total number of classes at the schoolsite at all grade  
11 levels that participate in the Class Size Reduction Program. The  
12 ratio of pupils to teacher in any class included in the average may  
13 not exceed the 20 to 1 standard ratio by more than two pupils.

14 (c) A school district that intends to implement or continue to  
15 implement a class size reduction program shall submit an  
16 application for funding pursuant to this chapter to the  
17 Superintendent of Public Instruction not later than 90 days after  
18 the annual Budget Act is chaptered, unless otherwise specified in  
19 regulations adopted by the State Board of Education.

20 (d) Any school district that reduces class size through the use  
21 of an early-late instructional program is ineligible to use Section  
22 46205, relating to the computation of instructional time for  
23 purposes of the Incentive for Longer Instructional Day and Year,  
24 in any grade level for which class size reduction funding is  
25 received pursuant to this chapter. Any school district that operated  
26 under Section 46205 prior to July 1, 1996, may receive class size  
27 reduction funding pursuant to Option One in any grade level for  
28 which class size reduction funding would otherwise be received  
29 pursuant to Option One.

30 **SEC. 3.—**

31 (e) *This section shall become inoperative on July 1, 2006, and,*  
32 *as of January 1, 2007, is repealed, unless a later enacted statute*  
33 *that is enacted before January 1, 2007, deletes or extends the dates*  
34 *on which it becomes inoperative and is repealed.*

35 **SEC. 3.** *Section 52122 is added to the Education Code, to*  
36 *read:*

37 52122. (a) *Except as otherwise provided by Section 52123, a*  
38 *school district that maintains kindergarten or any of grades 1 to*  
39 *3, inclusive, may apply to the Superintendent of Public Instruction*  
40 *for an apportionment to implement a class size reduction program*

1 in that school district in kindergarten and any of grades 1 to 3,  
2 inclusive.

3 (b) An application submitted pursuant to this chapter shall  
4 identify both of the following:

5 (1) Each class that will participate in the Class Size Reduction  
6 Program.

7 (2) For each class that will participate in the Class Size  
8 Reduction Program, whether that class will operate under Option  
9 One or Option Two:

10 (A) (i) Option One: A school district shall provide a reduced  
11 class size for all pupils in each classroom for the full regular  
12 schoolday in each grade level for which funding is claimed. For  
13 the purposes of this chapter, "full regular schoolday" means a  
14 substantial majority of the instructional minutes per day, but shall  
15 permit limited periods of time during which pupils are brought  
16 together for a particular phase of education in groups that are  
17 larger than 20 pupils per certificated teacher. It is the intent of the  
18 Legislature that those limited periods of time be kept to a minimum  
19 and that instruction in reading and mathematics not be delivered  
20 during those limited periods of time. For the purposes of this  
21 subparagraph, "class" is defined in the same manner as provided  
22 in the regulations adopted by the Superintendent of Public  
23 Instruction prior to July 1, 1996, pursuant to Sections 41376 and  
24 41378 (subdivision (a) of Section 15103 of Title 5 of the California  
25 Code of Regulations).

26 (ii) The purpose of the Class Size Reduction Program is to  
27 ensure that children in public school in kindergarten and grades  
28 1 to 3, inclusive, receive instruction in classrooms where there are  
29 not more than 20 pupils. Except as provided in subdivision (e), in  
30 order to qualify for funding pursuant to this chapter, each class in  
31 the Class Size Reduction Program shall be maintained with an  
32 annual average class size of not more than 20 pupils for the  
33 instructional time that qualifies the class for funding pursuant to  
34 this chapter. This chapter does not prohibit the class size from  
35 exceeding 20 pupils on any particular day, provided that the  
36 average class size for the school year does not exceed 20.

37 (B) (i) Option Two: A school district shall provide a reduced  
38 class size for all pupils in each classroom for at least one-half of  
39 the instructional minutes offered per day in each grade level for  
40 which funding is claimed. A school district selecting this option

1 shall primarily devote those instructional minutes to the subject  
2 areas of reading and mathematics. For the purposes of this  
3 subparagraph, “class” is defined in the same manner as provided  
4 in the regulations adopted by the Superintendent of Public  
5 Instruction prior to July 1, 1996, pursuant to Sections 41376 and  
6 41378 (subdivision (a) of Section 15103 of Title 5 of the California  
7 Code of Regulations).

8 (ii) The purpose of the Class Size Reduction Program is to  
9 ensure that children in public school in kindergarten and grades  
10 1 to 3, inclusive, receive instruction in classrooms where there are  
11 not more than 20 pupils. Except as provided in subdivision (e), in  
12 order to qualify for funding pursuant to this chapter, each class in  
13 the Class Size Reduction Program shall be maintained with an  
14 annual average class size of not more than 20 pupils for the  
15 instructional time that qualifies the class for funding pursuant to  
16 this chapter. This chapter does not prohibit the class size from  
17 exceeding 20 pupils on any particular day, provided that the  
18 average class size for the school year does not exceed 20.

19 (c) A school district that intends to implement or continue to  
20 implement a class size reduction program shall submit an  
21 application for funding pursuant to this chapter to the  
22 Superintendent of Public Instruction not later than 90 days after  
23 the annual Budget Act is chaptered, unless otherwise specified in  
24 regulations adopted by the State Board of Education.

25 (d) Any school district that reduces class size through the use  
26 of an early-late instructional program is ineligible to use Section  
27 46205, relating to the computation of instructional time for  
28 purposes of the Incentive for Longer Instructional Day and Year,  
29 in any grade level for which class size reduction funding is received  
30 pursuant to this chapter. A school district that operated under  
31 Section 46205 prior to July 1, 1996, may receive class size  
32 reduction funding pursuant to Option One in any grade level for  
33 which class size reduction funding would otherwise be received  
34 pursuant to Option One.

35 (e) (1) Notwithstanding any other provision of law, a school  
36 district that maintains only one school serving pupils in  
37 kindergarten and grades 1 to 3, inclusive, is eligible to receive  
38 funding under this section on behalf of the school if there are no  
39 more than two classes per participating grade level and the  
40 average class size is no more than 20 pupils in each of the classes



1 *participating in class size reduction at that schoolsite. For*  
2 *purposes of this subdivision, average class size may be determined*  
3 *by calculating the total number of pupils enrolled in all classes at*  
4 *all grade levels in a school that will participate in the Class Size*  
5 *Reduction Program divided by the total number of classes in the*  
6 *school. The ratio of pupils to teacher in any class included in the*  
7 *average shall not exceed the 20 to 1 standard by more than two*  
8 *pupils.*

9 *(2) As a condition of applying for funding under this*  
10 *subdivision, a governing board shall make a public declaration,*  
11 *either by adopting a resolution or by issuing a statement in a*  
12 *publicly noticed open meeting, that it has exhausted all possible*  
13 *alternatives to averaging and is unable to achieve the 20 to 1*  
14 *pupil-teacher ratio in a way that is educationally acceptable.*

15 *(f) This section shall become operative on July 1, 2006.*

16 *SEC. 4.* Section 52123 of the Education Code is amended to  
17 read:

18 52123. The application of a school district for funding to  
19 implement a program pursuant to this chapter shall include  
20 certification of each of the following items as a condition to  
21 receiving an apportionment under Section 52126:

22 (a) Certification of the number of classes in each eligible grade  
23 level selected for a class size reduction apportionment pursuant to  
24 this chapter.

25 (b) Certification of pupil enrollment, as of October of the  
26 previous calendar year, in each class selected for class size  
27 reduction pursuant to subdivision (a). Classes comprised of special  
28 education pupils enrolled in special day classes on a full-time basis  
29 may not be included in this program. A school district may not  
30 claim funding pursuant to this chapter for a pupil who is enrolled  
31 in independent study pursuant to Article 5.5 (commencing with  
32 Section 51745) of Chapter 5 of Part 28 for the full regular  
33 schoolday nor may a school district claim funding pursuant to this  
34 chapter for a pupil for any portion of the full regular day that the  
35 pupil is enrolled in independent study pursuant to that article. A  
36 charter school may not claim funding pursuant to this chapter for  
37 a pupil who is enrolled in a program of home study for the full  
38 regular schoolday nor may a charter school claim funding for a  
39 pupil for any portion of the full regular schoolday that the pupil is  
40 enrolled in a program of home study.

(c) (1) Certification that a certificated teacher has been hired by the school district and is providing direct instructional services to each class selected for class size reduction pursuant to this chapter and that there are not more than an average at the schoolsite of 20 pupils per each class, with the ratio of pupils to teacher not exceeding the 20 to 1 standard ratio by more than two pupils.

(2) For the purposes of this subdivision, “class” is defined in the same manner as provided in the regulations adopted by the Superintendent of Public Instruction prior to July 1, 1996, pursuant to Sections 41376 and 41378 (subdivision (a) of Section 15103 of Title 5 of the California Code of Regulations).

(d) Certification that the school district has a staff development program pursuant to Section 52127 and that the program has been approved by the governing board of the school district.

(e) Certification that the school district will collect and maintain any data required by the Superintendent of Public Instruction that will aid in the evaluation of the Class Size Reduction Program. The data shall include, but not be limited to, individual test scores or other records of pupil achievement. Data collected shall be protected in a manner that will not permit the personal identification of any pupil or parent.

(f) Certification that each class reduced pursuant to this chapter is housed in either a separate, self-contained classroom or that the space of each class for each grade level at that schoolsite provides a square footage per pupil enrolled in each class that is not less than the average square footage per pupil enrolled in those grade levels at that schoolsite in the 1995–96 school year.

~~SEC. 4.—~~

*(g) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.*

*SEC. 5. Section 52123 is added to the Education Code, to read:*

*52123. The application of a school district for funding to implement a program pursuant to this chapter shall include certification of each of the following items as a condition to receiving an apportionment under Section 52126:*



1     (a) Certification of the number of classes in each eligible grade  
2 level selected for a class size reduction apportionment pursuant to  
3 this chapter.

4     (b) Certification of pupil enrollment, as of October of the  
5 previous calendar year, in each class selected for class size  
6 reduction pursuant to subdivision (a). Classes comprised of  
7 special education pupils enrolled in special day classes on a  
8 full-time basis may not be included in this program. A school  
9 district may not claim funding pursuant to this chapter for a pupil  
10 who is enrolled in independent study pursuant to Article 5.5  
11 (commencing with Section 51745) of Chapter 5 of Part 28 for the  
12 full regular schoolday nor may a school district claim funding  
13 pursuant to this chapter for a pupil for any portion of the full  
14 regular schoolday that the pupil is enrolled in independent study  
15 pursuant to that article. A charter school may not claim funding  
16 pursuant to this chapter for a pupil who is enrolled in a program  
17 of home study for the full regular schoolday nor may a charter  
18 school claim funding for a pupil for any portion of the full regular  
19 schoolday that the pupil is enrolled in a program of home study.

20     (c) (1) Certification that a certificated teacher has been hired  
21 by the school district and is providing direct instructional services  
22 to each class selected for class size reduction pursuant to this  
23 chapter and that there are not more than 20 pupils per each class.

24     (2) For the purposes of this subdivision, “class” is defined in  
25 the same manner as provided in the regulations adopted by the  
26 Superintendent of Public Instruction prior to July 1, 1996,  
27 pursuant to Sections 41376 and 41378 (subdivision (a) of Section  
28 15103 of Title 5 of the California Code of Regulations).

29     (d) Certification that the school district has a staff development  
30 program pursuant to Section 52127 and that the program has been  
31 approved by the governing board of the school district.

32     (e) Certification that the school district will collect and  
33 maintain any data required by the Superintendent of Public  
34 Instruction that will aid in the evaluation of the Class Size  
35 Reduction Program. The data shall include, but not be limited to,  
36 individual test scores or other records of pupil achievement. Data  
37 collected shall be protected in a manner that will not permit the  
38 personal identification of any pupil or parent.

39     (f) Certification that each class reduced pursuant to this  
40 chapter is housed in either a separate, self-contained classroom or

1 *that the space of each class for each grade level at that schoolsite*  
2 *provides a square footage per pupil enrolled in each class that is*  
3 *not less than the average square footage per pupil enrolled in those*  
4 *grade levels at that schoolsite in the 1995–96 school year.*

5 (g) *This section shall become operative on July 1, 2006.*

6 SEC. 6. Section 52124 of the Education Code is amended to  
7 read:

8 52124. (a) A school district that implements a class size  
9 reduction program pursuant to this chapter is subject to this  
10 section.

11 (b) A school district may establish a program to reduce class  
12 size in kindergarten and grades 1 to 3, inclusive. In order to best  
13 meet the needs of its pupils, the governing board of a school district  
14 shall do both of the following:

15 (1) Select the grade level or levels to be reduced at each  
16 schoolsite.

17 (2) Give priority to reducing class size in the selected grade  
18 level or levels at a schoolsite before reducing class size in other  
19 grade levels at that schoolsite.

20 (c) It is the intent of the Legislature to continue to permit the  
21 use of combination classes of more than one grade level to the  
22 extent that school districts are otherwise permitted to use that  
23 instructional strategy. However, any school district that uses a  
24 combination class in any class for which funding is received  
25 pursuant to this chapter may not claim funding pursuant to this  
26 chapter if the total number of pupils in the combination class,  
27 regardless of grade level, exceeds 20 pupils per certificated teacher  
28 assigned to provide direct instructional services.

29 (d) The governing board of a school district shall certify to the  
30 Superintendent of Public Instruction that it has met the  
31 requirements of this section in implementing its class size  
32 reduction program. If a school district receives funding pursuant  
33 to this chapter but has not implemented its class size reduction  
34 program for all grades and classes for which it received funding  
35 pursuant to this chapter, the Superintendent of Public Instruction  
36 shall notify the Controller and the school district in writing and the  
37 Controller shall deduct an amount equal to the amount received by  
38 the school district under this chapter for each class that the school  
39 district failed to reduce to a class size of 20 or less pupils from the  
40 school district's next principal apportionment or apportionments

1 of state funds to the district, other than basic aid apportionments  
2 required by Section 6 of Article IX of the California Constitution.

3 ~~SEC. 5.—~~

4 *(e) This section shall become inoperative on July 1, 2006, and,*  
5 *as of January 1, 2007, is repealed, unless a later enacted statute*  
6 *that is enacted before January 1, 2007, deletes or extends the dates*  
7 *on which it becomes inoperative and is repealed.*

8 SEC. 7. Section 52124 is added to the Education Code, to  
9 read:

10 52124. (a) A school district that implements a class size  
11 reduction program pursuant to this chapter is subject to this  
12 section.

13 (b) A school district may establish a program to reduce class  
14 size in kindergarten and grades 1 to 3, inclusive, and that program  
15 shall be implemented at each schoolsite according to the following  
16 priorities:

17 (1) If only one grade level is reduced at a schoolsite, the grade  
18 level shall be grade 1.

19 (2) If only two grade levels are reduced at a schoolsite, the  
20 grade levels shall be grades 1 and 2.

21 (3) If three grade levels are reduced at a schoolsite, then those  
22 grade levels shall be kindergarten and grades 1 and 2 or grades  
23 1 to 3, inclusive. Priority shall be given to the reduction of class  
24 sizes in grades 1 and 2 before the class sizes of kindergarten or  
25 grade 3 are reduced.

26 (4) If four grade levels are reduced at a schoolsite, then those  
27 grade levels shall be kindergarten and grades 1 to 3, inclusive.  
28 First priority shall be given to the reduction of class sizes in grades  
29 1 and 2, second priority shall be given to the reduction of class size  
30 in kindergarten and grade 3. This paragraph shall be operative  
31 only in those fiscal years for which funds are appropriated  
32 expressly for the purposes of this paragraph.

33 (c) It is the intent of the Legislature to continue to permit the use  
34 of combination classes of more than one grade level to the extent  
35 that school districts are otherwise permitted to use that  
36 instructional strategy. However, any school district that uses a  
37 combination class in any class for which funding is received  
38 pursuant to this chapter may not claim funding pursuant to this  
39 chapter if the total number of pupils in the combination class,

1 *regardless of grade level, exceeds 20 pupils per certificated*  
2 *teacher assigned to provide direct instructional services.*

3 *(d) The governing board of a school district shall certify to the*  
4 *Superintendent of Public Instruction that it has met the*  
5 *requirements of this section in implementing its class size*  
6 *reduction program. If a school district receives funding pursuant*  
7 *to this chapter but has not implemented its class size reduction*  
8 *program for all grades and classes for which it received funding*  
9 *pursuant to this chapter, the Superintendent of Public Instruction*  
10 *shall notify the Controller and the school district in writing and the*  
11 *Controller shall deduct an amount equal to the amount received by*  
12 *the school district under this chapter for each class that the school*  
13 *district failed to reduce to a class size of 20 or less pupils from the*  
14 *school district's next principal apportionment or apportionments*  
15 *of state funds to the district, other than basic aid apportionments*  
16 *required by Section 6 of Article IX of the California Constitution.*

17 *(e) This section shall become operative on July 1, 2006.*

18 SEC. 8. Section 52126 of the Education Code is amended to  
19 read:

20 52126. The amount of funding that each school district  
21 implementing a class size reduction program pursuant to this  
22 chapter is eligible to receive shall be computed as follows:

23 (a) If a school district applies to participate in Option One,  
24 pursuant to subparagraph (A) of paragraph (2) of subdivision (b)  
25 of Section 52122, the Superintendent of Public Instruction shall  
26 apportion to the applicant school district an amount equal to eight  
27 hundred dollars (\$800) for each pupil actually enrolled in the  
28 classes in which the school district implements the program,  
29 except that the maximum number of pupils for which a school  
30 district may claim funding for any class at a schoolsite may not  
31 exceed a schoolsite average class size of 20 by more than two  
32 pupils. The number of pupils claimed pursuant to this subdivision  
33 shall be pupils actually enrolled in classes participating in the Class  
34 Size Reduction Program.

35 (b) If a school district applies to participate in Option Two,  
36 pursuant to subparagraph (B) of paragraph (2) of subdivision (b)  
37 of Section 52122, the Superintendent of Public Instruction shall  
38 apportion to the applicant school district an amount equal to four  
39 hundred dollars (\$400) per pupil actually enrolled in the classes in  
40 which the school district implements the program, except that the

1 number of pupils in any class for which a school district may claim  
2 funding for the instructional minutes offered at a schoolsite may  
3 not exceed a schoolsite average class size of 20 by more than two  
4 pupils. The number of pupils claimed pursuant to this subdivision  
5 shall be pupils actually enrolled in classes participating in the Class  
6 Size Reduction Program.

7 (c) The per pupil amount set forth in subdivisions (a) and (b)  
8 shall be increased annually for inflation by the percentage change  
9 determined pursuant to subdivision (b) of Section 42238.1.

10 (d) Except for the advance apportionment, the Superintendent  
11 of Public Instruction shall apportion funds to a school district only  
12 after certification that its class size reduction program has been  
13 implemented for that fiscal year.

14 (e) The Superintendent of Public Instruction shall apportion  
15 funds for this program in the following manner:

16 (1) An advance apportionment shall be made following  
17 passage of the annual Budget Act. This apportionment shall be  
18 provided to all school districts that participated in the program in  
19 the prior fiscal year and shall be limited to 25 percent of the amount  
20 computed by multiplying the appropriate per pupil stipends times  
21 the actual enrollment in each participating class in the prior fiscal  
22 year, as reported by the district pursuant to subdivision (d) of  
23 Section 52124.

24 (2) Each year an apportionment to all applicants shall be made  
25 following receipt of applications submitted pursuant to Section  
26 52123, adjusted as necessary by the amount received pursuant to  
27 paragraph (1). If a school district that participated in this program  
28 in the prior fiscal year fails to submit an application, all funds  
29 apportioned to that school district pursuant to paragraph (1) shall  
30 be deducted from the next monthly principal apportionment  
31 payment received by the district.

32 (3) A final adjustment to the amounts paid pursuant to  
33 paragraph (2) shall be made following receipt of the actual  
34 enrollment in each participating class, to be reported by each  
35 school district pursuant to subdivision (d) of Section 52124.

36 (f) Irrespective of the amount that a school district receives  
37 pursuant to subdivision (a) on the basis of the application it makes  
38 under Section 52123, that district may not retain any funds it  
39 receives for any class that does not actually meet all of the  
40 requirements of the Class Size Reduction Program.

(g) It is the intent of the Legislature that the total statewide amount computed for the purposes of this chapter pursuant to this ~~section, commencing with the 1997–98 fiscal year, be~~ section be appropriated to the Superintendent of Public Instruction in the annual Budget Act.

(h) *This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 9. *Section 52126 is added to the Education Code, to read:*

52126. *The amount of funding that each school district implementing a Class Size Reduction Program pursuant to this chapter is eligible to receive shall be computed as follows:*

(a) *If a school district applies to participate in Option One, pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 52122, the Superintendent of Public Instruction shall apportion to the applicant school district an amount equal to eight hundred dollars (\$800) for each pupil actually enrolled in the classes in which the school district implements the program, except that the maximum number of pupils for which a school district may claim funding for any class shall not exceed 20. The number of pupils claimed pursuant to this subdivision shall be pupils actually enrolled in classes participating in the Class Size Reduction Program and may not be based on the average size of the classes for any grade levels for which funding is claimed.*

(b) *If a school district applies to participate in Option Two, pursuant to subparagraph (B) of paragraph (2) of subdivision (b) of Section 52122, the Superintendent of Public Instruction shall apportion to the applicant school district an amount equal to four hundred dollars (\$400) per pupil actually enrolled in the classes in which the school district implements the program, except that the number of pupils in any class for which a school district may claim funding for the instructional minutes offered shall not exceed 20. The number of pupils claimed pursuant to this subdivision shall be pupils actually enrolled in classes participating in the Class Size Reduction Program and shall not be based on the average size of the classes for any grade levels for which funding is claimed.*



1     (c) *The per pupil amount set forth in subdivisions (a) and (b)*  
2 *shall be increased annually for inflation by the percentage change*  
3 *determined pursuant to subdivision (b) of Section 42238.1.*

4     (d) *Except for the advance apportionment, the Superintendent*  
5 *of Public Instruction shall apportion funds to a school district only*  
6 *after certification that its class size reduction program has been*  
7 *implemented for that fiscal year.*

8     (e) *The Superintendent of Public Instruction shall apportion*  
9 *funds for this program in the following manner:*

10    (1) *An advance apportionment shall be made following*  
11 *passage of the annual Budget Act. This apportionment shall be*  
12 *provided to all school districts that participated in the program in*  
13 *the prior fiscal year, and shall be limited to 25 percent of the*  
14 *amount computed by multiplying the appropriate per pupil*  
15 *stipends times the actual enrollment in each participating class in*  
16 *the prior fiscal year, as reported by the district pursuant to*  
17 *subdivision (d) of Section 52124.*

18    (2) *Each year an apportionment to all applicants shall be made*  
19 *following receipt of applications submitted pursuant to Section*  
20 *52123, adjusted as necessary by the amount received pursuant to*  
21 *paragraph (1). If a school district that participated in this program*  
22 *in the prior fiscal year fails to submit an application, all funds*  
23 *apportioned to that school district pursuant to paragraph (1) shall*  
24 *be deducted from the next monthly principal apportionment*  
25 *payment received by the district.*

26    (3) *A final adjustment to the amounts paid pursuant to*  
27 *paragraph (2) shall be made following receipt of the actual*  
28 *enrollment in each participating class, to be reported by each*  
29 *school district pursuant to subdivision (d) of Section 52124.*

30    (f) *Irrespective of the amount that a school district receives*  
31 *pursuant to subdivision (a) on the basis of the application it makes*  
32 *under Section 52123, that district may not retain any funds it*  
33 *receives for any class that does not actually meet all of the*  
34 *requirements of the Class Size Reduction Program.*

35    (g) *It is the intent of the Legislature that the total statewide*  
36 *amount computed for the purposes of this chapter pursuant to this*  
37 *section be appropriated to the Superintendent of Public*  
38 *Instruction in the annual Budget Act.*

- 1     *(h) This section shall become operative on July 1, 2006.*

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